

REMARKS

Upon careful and complete consideration of the final Office Action dated March 12, 2003, applicant has amended the claims which, when considered in conjunction with the comments herein below, are deemed to place the present application into condition for allowance. Favorable reconsideration of this application is respectfully solicited.

The Office Action has maintained the rejections of the claims as set forth in the previous Office Action. More specifically, claims 1, 2 and 4 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,069,456 to Fromm et al. (hereinafter referred to as "Fromm et al.").

Previously it was argued by applicant that the skilled artisan reading Fromm et al. would not be able to derive the claimed combination of filling as claimed by the present invention. More specifically, Fromm et al. require additional essential components to its filling not required by the present invention. For example, Fromm et al. for its filling components require a starting gas, a halide suitable as a voltage gradient generator, a halide suitable as a light generator, a first additional additive with a strong influence on the temperature profile of the arc column and an elementary metal second additive (see Fromm et al., col. 4, line 24 through col. 5, line 5). Such a multitude of components are not required by, i.e. is absent from, the present invention. Added to this argument was the fact that Fromm et al. is specifically directed to the replacement of the use of mercury in high-pressure gas discharge lamps. That is, the lamps of Fromm et al. are mercury-free. This, it was argued, was not essentially the case with the lamps of the present invention wherein

mercury can be used as the buffer gas. Accordingly, it was submitted that the skilled artisan would not even apply Fromm et al. to the present application. That is, the skilled artisan trying to accomplish the results of the present invention would not be inclined to look to Fromm et al. for suggestions as the teachings of this reference are specifically directed to mercury-free lamps.

In the final Office Action, the Examiner acknowledged the arguments made by applicant but noted that the main claim uses the term “comprising” is “open ended wording” and that “all the limitations argued by the applicant are disclosed by Fromm et al.”

The present invention as claimed in claim 1 has been amended so as to clearly be directed to a high-pressure gas discharge lamp comprising: a quartz glass lamp vessel which is closed in a gastight manner, with a space which is enclosed by a wall and in which a pair of electrodes is arranged; an outer surface of said wall extending between the pair of electrodes; and a filling provided in the space and comprising a rare gas, **a mercury buffer gas** and halides of tin and indium, characterized in that the wall has a wall load of at least 30 W/cm^2 at its outer surface, and in that the filling **further consists essentially of** an alkali metal halide with at least one alkali ion and at least one halide ion, said alkali ion being chosen from the group formed by potassium, rubidium, and cesium, and the halide ion being chosen from the group formed by chlorine, bromine, and iodine.

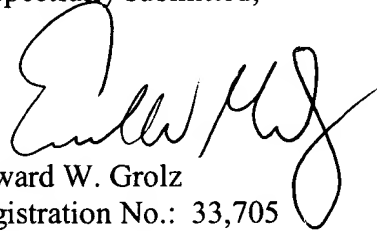
The present invention as now claimed, is clearly distinguished from the teachings of Fromm et al. First of all, the filling employed in the high-pressure gas discharge lamp of the present invention comprises a rare gas, **mercury**, halides of tin

and indium and further consists essentially of an alkali metal halide. In contrast, the filling of Fromm et al. is comprised of a rare gas, **no** mercury, halides of metals suitable as voltage gradient generators (of which include tin and indium), a halide metal suitable as a light generator, and various other additives. Thus the skilled artisan reading and relying on Fromm et al. could not possibly derive the filling components in accordance with the present invention. The inclusion of mercury as a buffer gas alone clearly distinguishes the discharge lamp of the present invention from the mercury-free lamp of Fromm et al. Add to this the fact that the skilled artisan could not possibly derive the other claimed combination of filling components of the present invention from the teachings of Fromm et al. and it is clear that the rejection of claims 1, 2 and 4 under 35 U.S.C. §102(e) must be withdrawn.

The final Office Action also maintained its rejection of claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Fromm et al., and claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Fromm et al. in view of U.S. Patent No. 5,479,065 to Sugimoto et al. Neither of these rejections overcomes the deficiencies discussed above with respect to the rejection of claims 1, 2 and 4. As claims 3, 5 and 6 all depend from claim 1, i.e., are based on a patentable claim, the rejections of these claims are also respectfully requested to be withdrawn as well.

Finally, it is further submitted that all the claims in the application contain patentable subject matter and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward W. Grolz', written over the printed name and registration number.

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